

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION BY REFERENCE OF THE
2003 EDITION OF THE UNIFORM MECHANICAL CODE (UMC)
WITH AMENDMENTS INTO THE 2004 CALIFORNIA MECHANICAL CODE (CMC)
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 4**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Department of Housing and Community Development has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a)(3)) [List a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group]

No changes are being proposed.

The Department of Housing and Community Development (HCD) received one comment during the Public Comment Period (45-day written comment period and Public Hearing). The commenter agreed with HCD's proposed adoption of mechanically formed T-fittings in CMC Section 1201.2.1.4.2.1. so no changes were made.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation.

The California Mechanical Code is part of Title 24 of the California Code of Regulations, known as the California Building Standards Code, which is based upon model codes developed by a private not-for-profit code organization, who maintains a code development and update mechanism, publish, and sell their codes, and provide support services. The National Association of Plumbing-Heating-Cooling Contractors (NAPHCC) and the Mechanical Contractors Association of America (MCCA) joined forces to create and industry consensus committee to review proposals, hear comments and make recommendations to the International Association of Plumbing & Mechanical Officials (IAPMO) membership about code changes.

The American Society of Sanitary Engineers (ASSE), United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (UA), and the Western Fire Chiefs Association (WFCA) have endorsed the use of the UMC as the national mechanical code for use in this country and Internationally.

The memberships of these associations are composed of representatives of all facets of the mechanical industry. They include mechanical contractors, installers, inspectors, building officials, engineers, architects, designers, manufactures, wholesalers and consumers.

Health and Safety Code Section 17922 directs the Department of Housing and Community Development (the Department) to adopt the most recent edition of the Uniform Mechanical Code (UMC) into Part 4, of Title 24, of the California Code of Regulations.

Due to the series of reviews by representatives of business and the community that these proposed model codes are subjected to prior to and after the Department's review, and as there were no alternatives proposed to the Department as a result of the Public Comment Period, the Department has no reason to believe that there is an alternative to these regulations that would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by the Department of Housing and Community Development.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

(Government Code Section 11347.6) [List each comment by the Trade and Commerce Agency directed at the proposed regulation or at the procedures followed by the Agency in proposing or adopting the regulation, and a response to each comment, including the basis why a comment was rejected, if applicable.]

No comments were received from the Office of Small Business Advocate.

COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD.

Pursuant to the requirements of Government Code Section 11346.8 (c), and Section 44 of Title 1 of the California Code of Regulations, the California Building Standards Commission provided a notice of proposed changes to the regulations concerning the amendments to the 2003 Uniform Mechanical Code proposed to be adopted as the 2004 California Mechanical Code, as filed with the Office of Administrative Law (OAL) in the California Regulatory Notice Register 2005, Volume No. 21-Z, No. Z05-0516-02 on May 27, 2005.

The text with the modifications clearly indicated, were made available to the public for an extended 45-day written public comment period from May 27, 2005 to August 1, 2005, with a Public Hearing held on August 1, 2005.

Richard D. Nelson, T-DRILL Industries

Comment: The commenter agrees with HCD's proposed adoption of mechanically formed T-fittings in CMC Section 1201.2.1.4.2.1.

HCD Response: HCD acknowledges the commenter's statements regarding the proposed adoption of CMC Section 1201.2.1.4.2.1.